

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
15 MAY 19 PM 12:15
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENDELL TEALER,

Defendant.

8:14CR185

SECOND SUPERSEDING
INDICTMENT

18 U.S.C. § 1959(a)(1)

18 U.S.C. § 922(g)(1) and 924(a)(2)

The Grand Jury Charges:

COUNT I

[18 U.S.C. §1959(a)(1)]

1. At all times relevant to this Indictment, the defendant, KENDELL TEALER, and others known and unknown to the Grand Jury, were members of the 40th Ave Crips street gang. The 40th Ave Crips operate in the Omaha, Nebraska area in the District of Nebraska, and elsewhere.

2. The 40th Ave Crips are a local chapter, referred to as a “set”, of the Crips which is a violent street gang, originally based in Los Angeles, California.

3. In most instances, in order to join the 40th Ave Crips, the proposed member has to be “jumped” in. This means that the person must take a beating, inflicted by other gang members. The duration and severity of the beating is up to the discretion of the administering gang members. 40th Ave Crips members decide whether or not a person will be “jumped” into the gang. Other members can be blessed into the gang as a result of family membership in the gang.

4. The 40th Ave Crips distinguish themselves from other gangs and signify their membership and allegiance to the gang by wearing clothing that bear the Atlanta Braves baseball

team logo, by displaying a tattoo of the Atlanta Braves logo, by displaying special hand signals, and using the phrase “on 40th Ave”.

5. Members of the 40th Ave Crips engage in criminal activity, such as drug distribution, and acts of violence involving assault, murder, attempted murder, and robbery. Participation in criminal activity by a member, especially violence toward rival gangs, increases respect accorded that member.

RACKETEERING ENTERPRISE

6. The 40th Ave Crips organization, including its members and associates, constituted an “enterprise,” as defined by Title 18, United States Code, Section 1959(b)(2) (hereinafter the “Enterprise”), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected interstate and foreign commerce. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the Enterprise.

7. The 40th Ave Crips, through its members and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, offenses involving narcotics trafficking, in violation of Title 21, United States Code, Sections 841 and 846.

8. On or about December 18, 2010, in the District of Nebraska, the defendant KENDELL TEALER, for the purpose of gaining entrance to and maintaining and increasing position in the 40th Ave Crips, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Mickle Graham in violation of Nebraska Statute §§28-302 and 28-303.

In violation of Title 18, United States Code, Section 1959 (a)(1).

COUNT II
[18 U.S.C. §§922(g)(1) and 924(a)(2)]

9. On or about December 18, 2010, in the District of Nebraska, KENDELL TEALER, Defendant herein, having been convicted on September 23, 2008, in the District Court of Douglas County, Nebraska, of a crime punishable by imprisonment for a term exceeding one year, to wit: Theft—Unlawful Taking Over \$1500, did knowingly possess in and affecting commerce, ammunition which had been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

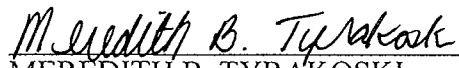
A TRUE BILL:



FOREPERSON


DEBORAH R. GILG
United States Attorney

The United States of America requests that trial of this case be held at Omaha, Nebraska, pursuant to the rules of this Court.


MEREDITH B. TYRAKOSKI
Assistant United States Attorney